

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

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86 Chambers Street
New York, New York 10007

June 17, 2021

VIA ECF

Hon. Alison J. Nathan
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

The initial pretrial conference is
ADJOURNED to September 10,
2021 at 3:00 p.m.
SO ORDERED.

Alison J. Nathan
6/21/2021

Re: *Essebag v. United States Postal Service, No. 21 Civ. 2713 (AJN)*

Dear Judge Nathan:

This Office represents the United States of America¹ in the above-referenced action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq.* (the “FTCA”). I write on behalf of both parties to respectfully request an adjournment of the initial pretrial conference presently scheduled for July 2, 2021, at 3:00 p.m. (ECF No. 10) to a date on or after August 16, 2021 for the reasons discussed below. In accordance with Your Honor’s individual practices in civil cases, the parties propose the following three alternate conference dates: August 20, September 10, or September 17. This is the parties’ first request for an adjournment of the initial pretrial conference in this case.

The parties respectfully request the adjournment because this Office has not yet been served as required by Federal Rule of Civil Procedure 4(i). However, given the COVID-19 pandemic and in good faith, this Office has agreed to accept e-mail service of the complaint and summons on June 16, 2021. As a result, the response to the complaint is due August 16, 2021. *See Fed. R. Civ. P. 12(a)(2).*

The parties respectfully submit that, in light of the above and in the interests of judicial efficiency and conservation of resources, there is no need to hold the conference scheduled for July 2, 2021 at 3:00 p.m., and the parties therefore request that the hearing be adjourned to a date on or after August 16, 2021. The parties are prepared to appear for the hearing, however, should Your Honor wish to hold it.

We thank the Court for its consideration of this letter.

¹ The United States of America is the only proper defendant in a lawsuit arising under the FTCA, 28 U.S.C. §§ 2679(b), (d). The parties will file a stipulation and proposed order to substitute the United States of America in place of defendant United States Postal Service.

Respectfully submitted,

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United States Attorney
Southern District of New York

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cc: Counsel of Record (via ECF)